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October 31, 2017

VIA ELECTRONIC FILING

Mr. Randall Dong, Esquire
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Clinton Dixon v. South Carolina Electric & Gas Company
Motion to Dismiss of South Carolina Electric & Gas Company
Docket No. 2017-331-E

Dear Mr. Dong:

On or about October 26, 2017, Clinton Dixon commenced the instant action by filing a complaint with the Public Service Commission of South Carolina ("Commission"). By way of this letter, South Carolina Electric & Gas Company ("SCE&G") hereby respectfully requests that the Commission dismiss Mr. Dixon's Complaint on the grounds that it (1) does not meet the Commission's requirements for pleadings and (2) fails to state facts sufficient to constitute a basis for relief under applicable law. While the Commission is considering SCE&G's request, the Company also requests that the Commission toll the hearing date and the deadlines for filing testimony for all parties in the above-referenced docket.

SCE&G asserts that Mr. Dixon's Complaint is legally insufficient and so deficiently drawn that it fails to support the request for a hearing or for further proceedings in this matter. In his Complaint, Mr. Dixon checks the box for "Billing Error/Adjustments;" provides a history of his payments from November 12, 2015, to October 2, 2017, for electric service that SCE&G provided to his apartment at 525 Alcott Drive in Columbia, South Carolina; and "request[s] some of [his] money back." The Complaint, however, does not provide any facts, much less a "concise and cogent statement of the factual situation surrounding the complaint" as required pursuant Commission Regulation 103-824(A), to support the vague, "check-the-box" allegation of a billing error. Because Mr. Dixon has failed to set forth facts sufficient to place the Company on notice of the basis of his claims, SCE&G is not capable of answering the Complaint or filing direct testimony addressing his allegations in compliance with the Scheduling Notice issued by the Hearing Examiner.¹ See Commission Regulation

¹ While SCE&G asserts that the Complaint is so defectively drawn that it cannot answer the vague allegations set forth therein, the Company denies any allegation of wrongdoing and specifically denies the allegation of a billing error. SCE&G admits that the

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103-826(A) (requiring answers to “be drawn so as to fully and completely advise the Commission and any party as to the nature of the defense” and to “admit or deny, specifically and in detail, each material allegation.”); Burns v. Wannamaker, 286 S.C. 336, 339, 333 S.E.2d 358, 360 (Ct. App. 1985) (“The purpose of a pleading is to put the adversary on notice as to the issues involved.”). Because the Complaint is so defectively drawn, the Commission should dismiss this matter as failing to meet the pleading requirements and for insufficiently placing the Company on notice as to the specific issues raised therein. Alternatively, the Complaint should be dismissed because it fails to allege a sufficient factual basis to demonstrate that SCE&G violated any applicable statute, law, regulation or order within the Commission’s jurisdiction.

Based upon the foregoing, SCE&G respectfully requests that Mr. Dixon’s Complaint be dismissed. SCE&G further requests that, while the Commission is considering the Company’s request, the Commission toll the hearing date and the deadlines for filing testimony for all parties in this docket.

By copy of this letter, we are serving this motion upon Mr. Dixon as well as counsel for the ORS and enclose a certificate of service to that effect.

Moreover, by copy of this letter, we are also informing Mr. Dixon that, pursuant to Commission Regulation 103-829, his response to this motion is due within ten (10) days after service of the motion. According to our calculations, Mr. Dixon’s response is due no later than Friday, November 10, 2017.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Matthew W. Gissendanner

MWG/kms

cc: Clinton Dixon
(via U.S. First Class Mail w/ enclosure)
Dawn Hipp
Andrew Bateman, Esquire
(both via electronic mail and U.S. First Class Mail w/ enclosure)

payment history provided by Mr. Dixon correctly identifies the payment amounts received by SCE&G and the date on which they were received. To the extent that any further allegations set forth in the Complaint require an answer, SCE&G denies the same.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-331-E

IN RE:

Clinton Dixon vs. South Carolina
Electric & Gas Company

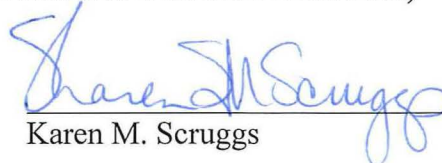
**CERTIFICATE
OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of South Carolina Electric & Gas Company's **Motion to Dismiss** to the persons named below at the addresses set forth and in the manner described:

Clinton Dixon
525 Alcott Drive, Apartment 9F
Columbia, SC 29203
(via U.S. First Class Mail)

Andrew M. Bateman, Esquire
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Karen M. Scruggs

Cayce, South Carolina

This 31st day of October 2017